

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARSHALL T. GLEASON III,

No. C 12-03598 RS

Plaintiff,

v.

**ORDER DENYING PRELIMINARY  
INJUNCTION AND REFERRING  
CASE TO ADR UNIT FOR  
MEDIATION**

WORLD SAVINGS BANK, FSB, *et al.*,

Defendants.

Plaintiff in this wrongful foreclosure action filed an *ex parte* application for a temporary restraining order (TRO), and an order to show cause why a preliminary injunction should not issue. The request was denied because no foreclosure sale has been noticed, and hence there was no apparent risk of irreparable injury. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20-24 (2008). Plaintiff's request for a preliminary injunction was scheduled for a hearing, and the parties were afforded the option of filing supplemental briefing in advance of argument, but no briefing was received. The hearing was held with Chanel Oldham appearing for World Savings Bank, FSB *et al.* and Marshall T. Gleason III representing himself.

As set forth in the order denying a TRO, Plaintiff's request for a preliminary injunction must be denied because Gleason has not borne his burden of demonstrating "he is likely to succeed on the merits," given that the weight of the evidence indicates the Bank may well have met the due diligence requirements of Civil Code § 2923.5. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

At the hearing, both parties agreed to participate in the court-sponsored mediation process. Therefore, this matter is referred to the Alternative Dispute Resolution Unit for mediation to be completed within 30 days of the issuance of this order. *See* ADR Local Rule 2-3. The Bank

1 indicated that it would not schedule a foreclosure sale before the mediation is completed. The  
2 parties shall promptly notify the court whether the case is resolved at the mediation.

3  
4 IT IS SO ORDERED.

5  
6 Dated: 10/4/12



RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE